

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERITAGE GUITAR, INC.,

Plaintiff,

Case No. 20-cv-229

Honorable Hala Y. Jarbou

Magistrate Judge Ray Kent

v.

GIBSON BRANDS, INC.,

Defendant.

**PARTIES' JOINT MOTION TO MODIFY DISCOVERY DEADLINES
FOR THE NARROW PURPOSE OF SCHEDULING
CERTAIN AGREED-UPON DEPOSITIONS**

NOW COME the Parties to this case, through their respective counsel, and move this Court to amend the First Amended Case Management Order dated December 12, 2021, (ECF No. 103), and subsequent Order dated April 20, 2022, (ECF No. 131), to accommodate the scheduling of deposition testimony the Parties have been unable to schedule:

1. On April 20, 2022, the Court modified the First Amended Case Management Order to extend the deadline of fact discovery through June 29, 2022. (ECF No. 131.)

2. In spite of the Parties' diligent efforts to schedule and complete the remaining fact depositions, the Parties agree that, due to scheduling issues, there are a number of fact witness depositions that cannot be completed prior to the June 29th deadline, including:

Gibson	Date
James "JC" Curleigh (Gibson)	July 14, 2022
Gibson 30(b)(6)	June 30, 2022

Jeff Nicholson (Non-Party)	July 7 or 8
Meng Kuok (Heritage)	July 13 (individual) & July 14 (30(b)(6)), 2022
Tim Shaw (Non-Party) ¹	July 11, 2022

3. The Parties agree it is necessary to expand the fact discovery deadline for the sole purpose of conducting the above-listed depositions.² In addition, the Parties are currently meeting and conferring regarding other issues that may result in additional depositions. Those issues may be presented to the Court. To the extent any further depositions are necessitated as a result, the Parties agree that they will be scheduled by or before July 14, 2022. In all other respects, the Parties agree that fact discovery closes on June 29, 2022.

4. The First Amended Case Management Order provides, with respect to the disclosure of expert reports, that opening expert reports (for the party having the burden of proof on an issue) were due May 30, 2022, rebuttal expert reports are due by June 27, 2022, and expert depositions must be completed by July 14, 2022. (ECF No. 103.) Because certain witnesses are only available after the June 27, 2022 deadline, the Parties may not be able to reflect information learned in these depositions in expert reports. Accordingly, the Parties additionally agree that they should be permitted to supplement expert reports (in addition to the rebuttals served on June 27, 2022) on or before July 22, 2022 solely to account for new discovery obtained, and complete expert depositions by August 5, 2022.

5. Finally, the First Amended Case Management Order provides that Dispositive Motions be filed by July 18, 2022. In light of the modifications to fact and expert discovery

¹ Currently pending before the Court is Gibson's Motion to Quash the Declarations of Tim Shaw and Tom Anderson (ECF No. 138), which asks the court in the alternative for leave to conduct the Shaw and Anderson depositions outside of the 10-deposition limit should the court reject Gibson's request to quash. The issue of the Shaw and Anderson depositions is thus properly addressed by the pending motion.

² The parties agree that any agreed-upon deposition dates that need to be rescheduled because of unforeseen witness unavailability may be moved to the period before the extended July 14 deadline with appropriate notice to all parties.

deadlines above, the Parties request the Court's approval to extend the deadline for Dispositive motions so that such motions may be filed on or before September 5, 2022. This request allows the parties 30 days to incorporate expert deposition testimony into their Motions for Summary Judgment and does not affect any future dates in the First Amended Case Management Order.

6. The Parties submit that the modest deadline modifications above will allow for the orderly and efficient completion of fact and expert discovery and will avoid potential discovery motion practice.

7. The Parties request that the Court waive the briefing requirement under Western District of Michigan Local Civil Rule 7.1(a) for this joint motion.

WHEREFORE, the Parties respectfully request that the Court amend the First Amended Case Management Order in the following manner: (1) to allow for fact discovery through July 14, 2022, but only for the sole purpose of taking the depositions pursuant to Paragraphs 2 and 3 above; (2) to permit the parties to serve supplemental expert reports by July 22, 2022 and to allow the parties to complete expert depositions by August 5, 2022 in accordance with Paragraph 4 above; and (3) to extend the deadline to file Dispositive motions so that such motions may be filed on or before September 5, 2022.

Dated: June 14, 2022

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